GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TR&B Department - A.S.No.39/2025 against O.S.No. 93/2019 filed by Smt.D.Padmaja W/o Late Kamaraj & (3) others of Vavilla (V), Vidavaluru (M) in SPSR Nellore District – Administrative sanction for an amount of Rs.1,29,26,312/- (Rupees one Crore Twenty Nine Lakhs Twenty Six Thousand Three Hundred and Twelve only) for depositing of 50% of the decretal amount with the Principal District Judge, SPSR Nellore District – Accorded – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.I) DEPARTMENT

G.O.Rt.No.388 Dated:29.07.2025

Read the following:

1. From the Chief Engineer (R&B) MDR & NABARD, Vijayawada Lr.No. 5009/AS 39 of 2025/CE(R&B) RR/R1/2025, 17-03-2025
2. Government Memo No. 2758637/R.I/2025 Dt. 08.05.2025
3. From the Chef Engineer (R&B) MDR & NABARD Lr.No. 5009/AS 39 of 2025/CE (R&B) RR/R1/2025, Dated 29.05.2025.

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ORDER:

The CE (R&B) MDR & NABARD, vide reference 1st read above, while adverting to the Court Orders, has stated that the work "Rajupalem - Isukapalli Road from km 0/0 - km 16/0 in SPSR Nellore District (Working reach from km 0/0 to 7/0) was sanctioned under RIDF-XXI and the work was entrusted to M/s Paidala Tirupati Reddy & Brothers, Nellore vide CR. Agt No.137/2015-16 Dated 24-03-2016 with stipulation to complete the work by 23-03-2017. While, work was in progress on 27-05-2016 in the night @ 11.00PM, the deceased Dasari Kamaraj, Aged 48 years, who was a Govt. employee (PET Teacher) in Z.P High School, Ramatheerdham, SPSR Nellore District went to Nellore on his personal work and returning to his village on motor cycle, had met with an accident and died near Gundalamma palem, Kodavalur Mandal, where the CC road was under construction.

2. Further, the CE (R&B) MDR & NABARD has also stated that the Plaintiffs i.e. deceased Dasari Kamaraj's Wife Smt Dasari Padmaja, Children, and relatives, who are the legal heirs, have filed O.S.No.93/2019 in Hon'ble III Additional District Judge, Nellore, for the compensation amount of Rs.90,00,000/- regarding the death of Sri Late Dasari Kamaraj, who has died in a road accident on 27-05-2016, and that the Hon'ble Court of III Additional District Judge, SPSR Nellore District in its orders dated:14-03-2024 has passed the decree amount of Rs.81,25,500/- (Rupees Eighty One Lakhs Twenty Five Thousand and Five Hundred only) with an interest @ 6% p.a. to the petitioners. Further, Smt Dasari Padmaja, Plaintiff-1, has filed A.S. No.39/2025 against O.S.No.93/2019 in Hon'ble III Additional District Judge, Nellore.

3. In this regard, the Govt. Pleader for Appeals, APHC in his letter dt.29.01.2025 has opined that as on the date of filing of A.S.No.39/2025, the decree amount was calculated at Rs.1,29,26,312/- (Rupees one Crore Twenty Nine Lakhs Twenty Six Thousand Three Hundred and Twelve only) and the Hon'ble Court on 29-01-2025 has granted interim stay of O.S.No.93/2019 with a condition to deposit 50% of the decretal amount within (08) eight weeks.

4. The Chief Engineer (R&B) MDR & NABARD, has requested the Govt. to sanction and release 50% of the decree amount of Rs.1,29,26,312/- (Rupees one Crore Twenty Nine Lakhs Twenty Six Thousand Three Hundred and Twelve only), so as to deposit to the Principal District Judge, SPSR Nellore District, to avoid further legal complications as per the orders of the Hon'ble High Court of Andhra Pradesh.

5. In the reference 2nd read above, the CE(R&B), MDR & NABARD was requested to Specify the pending amount payable to the contractor and to furnish the details of all works undertaken by the contractor in the State to be put to ensure that the amount can be deducted from the contractor's payable amount. Further, in the event of payment of compensation, the CE(R&B), MDR, was requested to justify whether the Department has contemplated that this is a mistake of contractor (as of now as legally held by High Court), then the contractor is liable but not the Government.

(P.T.O)

6. In the reference 3rd read above, the CE(R&B), MDR & NABARD, while submitting detailed report, has furnished the following information:

" There is no pending amount payable to the contractor M/s PTR & Brothers, Nellore represented by its Managing Partner Sri Paidala Thirupathi Reddy, Contractor, SPSR Nellore District for the subject work i.e, "Widening and Strengthening of Rajupalem - Iskapalli from km 0/0 km 16/6 (working reach from km 0/0-km 7/0) in SPSR Nellore District."

As per agreement General Conditions Clause 8.1 contractor is responsible for "all risks of loss or damage to physical property and of personal injury or death, arise during and in consequence of the performance of the contract". Further, as per Clause 14.3 "the contractor should take all the necessary measures for the safety of the traffic during the construction and provide erect such barricades including signs, markings, flags, lights and information and protection of traffic approaching and passing through the section of highway which is under improvement".

As per above clauses of agreement, contractor is responsible for the accident and its consequences. The contractor is accused No.1 in Police complaint registered vide FIR No.42/2016 of Kodavalur PS and the contractor is respondent No. 1 in OS. No.93/ 2019. Consequently, as per the instructions of office of the CE(R&B), the Executive Engineer, (R&B) Division, Kavali has issued notice to the contractor vide Letter No. OS No 93/2019 & EP No 223/ 2024/ R&B/ Kovur/ 2025 Dt:04-03-2025 to arrange for depositing decretal, amount in Court. The contractor has replied that they are in no way responsible and more over issued a notice dated 17.03.2025 through their advocate, Sri V. Surendra Reddy, Guntur for harassment and demanded to pay an amount of Rs.25,000/- professional charges.

In order to avoid further legal complications i.e., in view of filing E.P. No.223 of 2024 for attachment of movable properties belonging to District Collectorate and consequently the appeal petition is filed to avoid attachment and the Hon'ble High Court was pleased to order to deposit the 50% of decretal amount and hence forth compliance of Hon'ble High Court orders at 1 st instance is necessary on part of Government as the appeal petition was filed by the District Collector and Officials of R&B Department. Unfortunately, in EP No. 223 of 2024 in O.S. No. 93 of 2019, Hon'ble Court have not requested for attachment of contractors movable/Immovable assets. Meanwhile, necessary process may be made fixing responsibility on the contractor duly obtaining legal opinion from the Government Pleader for his negligence in compliance of contract conditions and necessary steps will be taken to recover the amount from his bills/ deposits.

As explained in the above para, the Department has already contemplated that this is a mistake of contractor as of now as legally held by the Hon'ble Court and also as per agreement conditions. But, as the contractor is disputing, legal opinion was sought from the Government Pleader, in this regard. Further action will be taken for fixing up the Contractor, soon after receiving the legal Opinion. In order to recover the amount from contractor's bills/ deposits necessary responsibility is to be fixed for the negligence of contractor. The legal procedures in fixing responsibility may take some time and delay may occur in responding to court orders.

In order to avoid further legal complications, in view of Executive orders passed by the Hon'ble court for attachment, compliance of Hon'ble High Court orders in the 1st instance is necessary as per protocol. Meanwhile, necessary process will be made fixing responsibility on the contractor duly obtaining legal opinion from the Government Pleader for his negligence in compliance of contract conditions and necessary steps will be taken to recover the amount from his bills/ deposits. "

7. The CE(R&B), MDR & NABARD, has further submitted that, as per the Hon'ble Court orders, the accident occurred due to the negligence of respondents. The respondents include two contractors and four Government officials (District Collector and three R&B Engineers including R&B Chief Engineer) As per Hon'ble Court Judgment the contractor is at fault. As per Government rules and Contract Conditions also, the contractor is at fault. In case, if on appeal, it is established that the contractor is not at fault then automatically all the respondents will also be not at fault and there by the question of payment of Decretal amount will not arise. In case, if amount is deposited the same will be repaid back to Government by the Hon'ble Court.

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8. Further, in the letter dt.17.03.2025, the CE(R&B), MDR & NABARD has informed that the Deputy Executive Engineer (R&B) Kovvur, SPSR Nellore Dist has inspected the road construction and observed that the road was constructed with all safety precautions i.e., arranging radium stickers and diversion boards etc as per the existing procedure. As it was dark in the night the deceased Dasari Kamaraj, without observing the traffic diversion with over speed dashed the existing cement road which was under construction and fell on the road and died on the spot. The DyE.E. has filed written statement denying the allegations made in the plaint and contending that this defendant is no way connected with the death of the deceased Dasari kamaraj.

9. The CE(R&B), MDR & NABARD has further stated that the Superintending Engineer (R&B) Circle, Nellore District was requested to depute responsible officer to obtain legal opinion from the GP for fixing the responsibility on the contracting agency as per agreement general condition clauses No. 8.1 & 14.3 of the work "widening and Strengthening of Rajupalem Isukapalli Road from km0/0 km 16/0 in SPSR Nellore District" and SE was also instructed to explore the possibilities for recovery of decretal amount from the contractor work bills from on hand works and works completed and bills yet to be paid, by applying RR Act if applicable.

10. Hence, under the explained circumstances, the CE(R&B), MDR & NABARD has stated that it is necessary to arrange to deposit the decretal amount in Hon'ble Court to avoid legal complications and to challenge the case if fit in the Hon'ble Higher Court. He has therefore requested the Government to sanction and release of decretal amount so as to deposit the 50% of the decree amount ie., Rs.1,29,26,312/- (Rupees one Crore Twenty Nine Lakhs Twenty Six Thousand Three Hundred and Twelve only) under current Head of Account 5054-04-337-07-SH(15)-530/531 RIDF General to the Principal District Judge, SPSR Nellore District in the first instance to avert attachment of EP No.223 of 2024 and to avoid further legal complications as per the orders of the Hon'ble High Court of Andhra Pradesh.

11. Government after careful examination of the matter, and keeping in view of the filing of E.P.No.223 of 2024 for attachment of movable properties belonging to District Collectorate, SPSR Nellore District and in view of the orders of the court to deposit the 50% of decretal amount, hereby accord administrative sanction for an amount of Rs.1,29,26,312/- (Rupees one Crore Twenty Nine Lakhs Twenty Six Thousand Three Hundred and Twelve only) for deposing of 50% of the decretal amount with the Principal District Judge, SPSR Nellore District for payment of compensation to Smt Dasari Padmaja W/o Late Dasari Kamaraj, who died in a road accident on 27.05.2016, subject to deducting the decretal amount from the bill amounts payable to the instant contractor (i.e M/s Paidala Tirupati Reddy & Brothers, Nellore), in respect of other works.

12. The expenditure sanctioned in para (11) above shall be debited from the Head of Account: "5054-04-800-07-(15)-500-501" Compensation and shall be met from the additional budget sanction.

13. The Chief Engineer (R&B) MDR & NABARD, Vijayawada is requested to take immediate further necessary action in the matter accordingly.

14. This order issues with the concurrence of the Finance (FMU-TR&B) Dept., vide their Uo.No. FIN01-FMU0ASD (TRBD)/22/2025-FMU-TR-B Comp. No.2817659, Dated:23.07.2025.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer (R&B) MDR & NABARD, Vijayawada
The District Collector & Magistrate,Nellore District.
The Accountant General, A.P. Vijayawada.
The Dy. Director of Treasuries, Nellore District.
Copy to:
The Finance (FMU-TR&B) Dept.,
The OSD to Minister for R&B
The P.S. to Secretary to Govt., TR&B Dept.,
SF/Sc (Comp. No.2758637/R.I/2025)

//FORWARDED BY ORDER//

SECTION OFFICER